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**Testimony of Sarah Gardner
to the Maryland Commission on Capital Punishment
August 9, 2008**

My name is Sarah Gardner. I live in Hyattsville in Prince George's County and work as a senior mental health manager in Baltimore. I appreciate this opportunity to speak before the Commission today.

I speak to you as both a professional who has provided services for individuals who have suffered traumatic losses and as a former consumer of such services.

On the evening of December 21, 1986 my younger sister Nancy, age 24, was the victim of a purse snatching while waiting for a bus at 6th St. and Constitution Ave in SE Washington, DC. She was approached by a car, her purse was grabbed and she couldn't detach from it. When the car sped away, her body was thrown to the pavement causing her to sustain a closed head injury. Lacking identification because her purse had been stolen, she was transported to DC General and listed as a "Jane Doe." It took us several hours of frantic searching to find her and by the time we did, her brain had swollen massively. We had her transported to the Washington Hospital Center where, within 24 hours, we made the painful decision to pull her off life support.

Survivors of victims of homicide suffer a range of traumatic responses to the sudden and violent deaths of their loved ones, including, in some cases, post-traumatic stress disorder. It is therefore critical that families suffering in the wake of murder have access to specialized services by persons trained in the area of traumatic grief to support them to reestablish some normalcy in their lives.

My own family had access to such services but they came from outside the criminal justice system. My father had the wisdom to recognize that we were at risk of falling apart as a family if we didn't get outside support and he insisted we get family counseling. After an initial visit with a provider who didn't seem to understand the gravity our situation, we ended up at the Washington Home where we received weekly counseling sessions for 6 months from a woman whose son had died. This proved to be extremely helpful.

Sadly, I know from my work in the mental health field that poor families in Maryland suffering from repeated traumatic losses do *not* have access to the specialized counseling and support that greatly benefited me and my family. The victims of murder in Baltimore are overwhelmingly young, black and poor. They leave behind vulnerable families who must face the unbearable stress of losing a family member, in the context of significant daily demands and hardships. So, when you consider disparity, please remember that even among the community of families of victims of homicide, there is significant socio-economic disparity.

Exposure to the criminal justice system can exacerbate trauma responses. At a time when the most important thing is predictability, investigations can be unpredictable and triggering. Capital punishment brings to the process additional delays, complexities and stress. Capital punishment makes a hollow promise of "satisfaction through revenge." Anyone who believes that their pain will be lessened by the taking of another life is in for a hard lesson.

As my sister's murder occurred in Washington, DC, the death penalty was never an option. That said, the investigation into the circumstances surrounding her death was protracted and frustrating. The individual(s) responsible for her death were never identified. While we would like to have had the "closure" that might have come from seeing those responsible her death face the consequences for their behavior, I feel fortunate that we were never confronted with the additional burden of the possibility of a capital punishment outcome, which divides many families at a time they need each other most.

I am also thankful that my daughters, ages 16 and 12, have not inherited the legacy of years of capital appeals that would have concentrated focus on the offender and his execution somewhere in the distant future. Instead, my focus is on sharing with them my fond memories of the aunt they never got a chance to know. My daughter Clare recently won a writing prize for a poem called "Nancy" in which she comments astutely on the transmission of family memories through stories she has heard her entire life. I am glad those stories weren't tainted by the dark cloud of capital punishment.

With the full knowledge, both personal and professional, of the major difference that counseling and peer support can make in the lives of those who have suffered traumatic losses, I strongly urge this Commission to recommend repeal of the death penalty and to relocate the resources consumed by capital prosecution to expanding mental health services to families traumatized in the wake of murder.